

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456

Master File No. 01-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

BMS PROPOSED SETTLEMENT

CORRECTED¹ DECLARATION OF SCOTT TELL

I, Scott Tell, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Scott Tell and I am a resident of the State of Illinois. I have personal knowledge of the facts stated below and will testify in court to the same if called upon to do so.

2. I am a former member of the United Food and Commercial Workers Union and Employers Midwest Health Benefits Fund (“UFCW”).

3. My late wife Rhonda underwent chemotherapy in 2000 - 2001. As part of her treatment, she was prescribed Paraplatin, which is manufactured by Bristol-Myers Squibb (“BMS”).

4. I became involved in this lawsuit in October 2005, on behalf of my late wife Rhonda. Over the next few months, I spent a considerable amount of time searching and collecting medical and financial records and assisting my attorneys in collecting all other necessary documents from my wife’s doctors and banks. This process required some time and effort since the records were in some cases more than a year old.

¹ This corrected declaration is filed solely to correct an error in the caption that previously identified this document as relating to the Track II settlement.

5. I was added as a Proposed Class 3 representative (TPPs and Consumers for AWP-Based Charges on Physician Administered Drugs Outside of Medicare) to the Third Amended Class Action Complaint on October 17, 2005.

6. Throughout the case, I have regularly stayed in contact with my attorneys, receiving and reviewing status reports, answering any questions they had, and generally being available to assist with the lawsuit in any way possible.

7. I did not make contemporaneous records of my time as an attorney would. The following chart, however, reflects my best estimate of the time I spent on various activities throughout the case. It has been cross-checked for accuracy against the records kept by my attorneys.

Activity	Hours
Searching for and gathering documents in the home (proof of payments, cancelled checks, bank records, medical bills, etc.)	3 hours
Working with lawyers to contact doctor(s) and bank(s) to obtain documents and completing bank and medical records waivers	1 hour
Preparing for deposition	n/a
Attending deposition	n/a
Talking to attorneys or paralegals regarding the status of the case, responding to their inquiries or questions regarding my documents, and/or providing information to compile affidavits for use in the lawsuit	3 hours
Approximate Total Hours Expended	7.0 hours

8. My wife Rhonda was administered and made payments for two different Track I drugs, which were manufactured by BMS (Paraplatin) and GSK (Zofran). This affidavit is in relation to a Settlement reached with BMS only, one of five Track I defendants. Because 1 of

the 2 Track 1 drugs Rhonda was administered and made payments for was manufactured by BMS, the total number of hours I have spent (7.0) divided by 2 is my best estimate of my time attributed to the case against BMS. This totals 3.5 hours.

9. I understand from Co-Lead Counsel that the Court has indicated that a fair rate of reimbursement for time spent on this litigation by class representatives might be \$100.00 per hour. At the rate of \$100.00 per hour, the value of the time I spent litigating the case against BMS (3.5 hours) is equal to \$350.00

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: March 17, 2011

/s/ Scott Tell
Scott Tell

CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

In re Pharmaceutical Industry Average Wholesale Price Litigation
Master Case No. 01-cv-12257, MDL 1456

I, Kenneth A. Wexler hereby certify that I am one of Class Plaintiffs' attorneys and that, on May 17, 2010, I caused a copy of the foregoing Amended Declaration of Scott Tell to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Kenneth A. Wexler

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